

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6686

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHIRLEY INGRAM, JR., a/k/a Raheem,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina,
at Charlotte. Frank D. Whitney, District Judge. (3:10-cr-00069-FDW-1)

Submitted: September 8, 2022

Decided: September 13, 2022

Before HARRIS and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit
Judge.

Affirmed and remanded by unpublished per curiam opinion.

Shirley Ingram, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shirley Ingram appeals the district court's order denying his motion for appointment of counsel to assist him in requesting a sentence reduction under the First Step Act of 2018 ("First Step Act"), Pub. L. No. 115-391, 132 Stat. 5194. It is unclear from Ingram's motion whether he seeks the assistance of counsel for a motion for a sentence reduction under § 404(b) of the First Step Act or for a motion for compassionate release under 18 U.S.C. § 3583(c)(1)(A), which was amended by § 603(b)(1) of the First Step Act. In any event, we conclude that the district court did not abuse its discretion in denying Ingram's motion because there is no pending action for which the district court could appoint counsel. Accordingly, we affirm the district court's judgment. *United States v. Ingram*, No. 3:10-cr-00069-FDW-1 (W.D.N.C. May 10, 2022).

We remand, however, to permit the district court to correct a clerical error. *See* Fed. R. Crim. P. 36. The district court wrote that Ingram's motion for compassionate release is denied, but the order should state that Ingram's motion for appointment of counsel is denied.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED AND REMANDED